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February 29, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

On January 12, 2000, I wrote to you about the Justice Department's legal basis for its actions in the Elian Gonzalez case. Robert Raben, Assistant Attorney General, Office of Legislative Affairs, replied on February 7, 2000, and I wanted to thank you for the response.

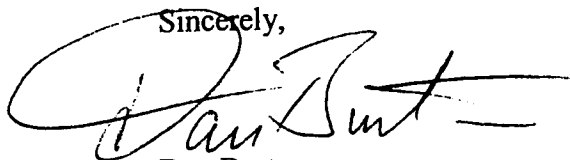
I am not sure that I agree entirely with the legal analysis presented in Mr. Raben's letter. Nevertheless, a greater concern presented itself. I was struck by the sentences that read as follows:

[T]he INS considered allegations that the father was under coercion such that he was not able to express his true wishes for the child or was not able to assess properly whether the child was at risk of persecution or torture upon his return to Cuba. On both counts, after interviewing the father on two occasions and the Miami relatives, as well as examining other available information, including the asylum application tendered on Elian's behalf, the INS found no reason to question the father's decision not to assert an asylum claim on behalf of Elian or his desire to be reunited with his son.

These sentences are unambiguous; they mean that there is no evidence of coercion and that there is no risk of persecution in this case. Putting semantics aside, I would appreciate a simple yes or no answer as to whether you believe Elian Gonzalez is at "risk of persecution" if returned to Cuba. Your Assistant Attorney General's letter makes clear what the INS has determined. I, however, am interested in the views of the Attorney General and request a response by Friday, March 3, 2000.

Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Dan Burton
Chairman